GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition and Excise Department – Nellore District - involvement in Liquor Syndicate Case – Disciplinary proceedings initiated against Sri B.Venkateswarlu, the then Proh. & Excise Inspector, Nellore - Inquiry conducted - Imposed the penalty of two Increments without cumulative effect – Punishment set aside by Hon'ble High Court orders dated:04.12.2021 in W.P.22838 of 2020 – Orders of Hon'ble High Court implemented - Orders – Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt No.572 Dated.18.07.2022

Read the following:-

1. From DG, ACB Lr Cr.No.23/RCO-NNL/2012, dt.12.10.2012. (Cr.No.2/RCO-NLR)/2012)
2. Govt. Memo.No.46420/Vig.V(2)/2012-3, dt.16.01.2013.
3. From DG, ACB Lr Rc.No.23/RCO-NNL/2012, Dt.29.04.2013.
4. Govt Memo No.46420/Vig.V(2)/2012-5&6, dated 03.06.2013 & 20.08.2013 of Rev (Vig.V) Dept.,
5. Proceedings in Rc.No.341/2015/A1, Dt.06.10.2015 of Dy.Commr of P&E, Guntur.
6. WSD dated 29.12.2016 of Sri B.Venkateswarlu, Proh. & Excise Inspector, formerly Buchireddypalem, Nellore district.
7. G.O.Rt.No.259 Rev (Vig.IV) Dept, date 07.03.2017.
8. G.O.Rt.No.261 Rev (Vig.IV) Dept, date 07.03.2017.
9. Govt Memo No.46420/Vig.IV.2/2012, dated 20.04.2017.
10. From Sri K.Venkateswara Rao, IPS, Director of Enforcement, P&E, A.P., Vijayawada Inquiry Report in Lr.Rc.No.18/2017/DOE-Peshi, Dt.07-05-2018. (Cr.No.18/2017/DOE-Peshi)
11. Govt.Memo.No.46420/Vig.IV.2/2012, Rev(Vig.IV)Dept.,dated 09.10.2018
12. From Sri B.Venkateswarlu, P&E Inspector, Enforcement, Ongole representation dated 13.11.2018.
13. G.O.Rt.No.674, Revenue (Vig.IV)Dept., dated:25.08.2020.
14. Orders of the Hon'ble High Court dated:04.12.2021 in W.P.22838 of 2020.

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ORDER:

Whereas the Anti-Corruption Bureau authorities have registered a case under Prevention of Corruption Act, 1988 against certain Prohibition & Excise Officials of SPSR Nellore district on the allegations of criminal misconduct and corruption for their involvement in liquor syndicate case. The Director General, Anti-Corruption Bureau, in his final report, has recommended for departmental proceedings against Sri B.Venkateswarlu, Prohibition & Excise Inspector, Nellore along with other Prohibition & Excise Officials.

2. Articles of Charges were issued against Sri B.Venkateswarlu, Prohibition & Excise Inspector, Nellore vide Proceedings 5th read above. After obtaining the Written Statement Defence, Government have appointed Sri K.Venkateswara Rao, IPS, Director of Enforcement as Inquiring Authority to conduct enquiry into the charges framed against Sri B.Venkateswarlu, Prohibition & Excise Inspector and two (2) other Prohibition & Excise Officials, vide G.O. 7th read above. The Inquiring Authority has submitted the inquiry report, vide letter 10th read above, holding that the charge as proved against Sri B.Venkateswarlu, Prohibition & Excise Inspector, Nellore. Hence, after examination of the matter and after following due procedure, Government have imposed the penalty of withholding of two increments of pay without cumulative effect against Sri B.Venkateswarlu, the then Prohibition & Excise Inspector, Nellore, vide G.O. 13th read above.

(P.T.O)

3. Aggrieved by the punishment imposed, Sri B. Venkateswarulu, Former P&EI, presently AES, SEB, Ananthapuram has fled W.P.No.20218/2020 before Hon'ble Andhra Pradesh High Court and the Hon'ble High Court, in its orders dated:22.10.2021, in W.P.No.20218/2020 is pleased to pass the following orders (operative portion):

> *"In the absence of such evidence, this Court has to hold that neither lending of money to first accused nor the collection of interest from him are actually borne out by the record. Therefore, this Court has to hold that the enquiry report is vitiated by serious lapses/lacunae. The imposition of the penalty is not correct in the light of the available evidence. The oral and documentary evidence introduced do not support the case of the State against the petitioner. In the circumstances, the imposition of any penalty is incorrect and contrary to law. The two judgments of the Honble Supreme Court fully apply to the facts of this case.*
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> *Hence, the writ petition is therefore allowed. The punishment imposed against the petitioner vide G.O.Rt.No.674, dated. 25.0.8.2020 is hereby set aside. No order as to costs."*

4. Government, after examining the entire matter, hereby order to implement the orders of the Hon'ble High Court dated:22.10.2021 in W.P.No.20218/2020.

5. The Commissioner, Prohibition & Excise shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B.Venkateswarlu, the then Prohibition & Excise Inspector, Nellore presently working at Ongole through the Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
The Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
The Deputy Commissioner of Prohibition & Excise, Guntur.
Copy to:
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, A.P.Secretariat, Velagapudi.
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
Sc/Sf.

//FORWARDED:: BY ORDER//

SECTION OFFICER